

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING MINUTES  
JULY 23, 2013**

Copies of the resolutions and water quality/water rights orders can be obtained by calling (916) 341-5600 or downloading from our website at [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/](http://www.waterboards.ca.gov/board_decisions/adopted_orders/).

**CALL TO ORDER**

Chair Felicia Marcus called the meeting to order on July 23, 2013 at 9:10 a.m. at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**BOARD MEMBERS PRESENT**

Chair Felicia Marcus; Vice Chair Frances Spivy-Weber; Member Steven Moore; Member Dorene D'Adamo

**BOARD MEMBER ABSENT**

Member Tam M. Doduc

**STAFF PRESENT**

Tom Howard, Executive Director  
Michael Lauffer, Chief Counsel  
Marleigh Wood, Office of Chief Counsel  
Lori Okun, Office of Chief Counsel  
Andy Sawyer, Office of Chief Counsel  
David Rose, Office of Chief Counsel  
Tim Regan, Office of Chief Counsel  
Emel Wadhvani, Office of Chief Counsel  
Phil Wyels, Office of Chief Counsel  
Anne Hartridge, Office of Chief Counsel

Caren Trgovcich, Chief Deputy Director  
Jonathan Bishop, Chief Deputy Director  
Jeanine Townsend, Clerk to the Board  
Courtney Davis, Executive Office  
Paul Hann, Division of Water Quality  
Erin Ragazzi, Division of Water Rights  
George Kostyrko, Office of Public Affairs  
Darrin Polhemus, Division of Administrative Services  
Cris Carrigan, Office of Enforcement

**ANNOUNCEMENT**

- *Evacuation information in case the fire alarm goes off during the meeting.*
- *The Board meeting is being webcasted and recorded.*

**BOARD MEETING**

***Public comments on agenda items will be limited to 5 minutes or otherwise at the discretion of the Chair***

**PRESENTATION OF SUPERIOR ACCOMPLISHMENT AWARD**

- ***Eric Oppenheimer with the Office of Research, Planning and Performance and Barbara Andersen with the Office of Information Management and Analysis presented the Superior Accomplishment Award to Terry Owens***

**PUBLIC FORUM**

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Board's jurisdiction provided the matter is not on the agenda, or pending before the State Water Resources Control Board or any California Regional Water Quality Control Board.

**Commenters**

*Sara Aminzadeh, California Coastkeeper Alliance*

## **BOARD BUSINESS**

1. The Board will consider adoption of the June 18-19, 2013 Board Meeting minutes.

**Motion:** Member Moore moved to adopt the proposed minutes.

**Seconded by:** Member D-Adamo

**MOTION CARRIED:** ([June 18-19, 2013](#))

**Aye:** Chair Marcus  
Vice Chair Spivy-Weber  
Member Moore  
Member D'Adamo

**Nay:** None

**Absent:** Member Doduc

**Abstain:** None

2. Board Member Report

### **Vice Chair Spivy-Weber**

- *In early July, the Los Angeles Water Board, its Total Maximum Daily Load staff, and U.S. EPA celebrated the end of the 14-year consent decree that guided their work on approximately 195 water body pollutant combinations.*
- *The San Diego Water Board ended over 12 years of litigation against the U.S. International Boundary and Water Commission concerning the International Wastewater Treatment Plant. The reason for ending the litigation was there had been remarkable water quality improvements and upgrades at the plant to bring it into compliance with the Clean Water Act's secondary treatment requirements. The San Diego Water Board was complimented by the judge for coming forward with this case and for all the improvements made in both Mexico and the U.S.*

### **Board Member Moore**

- *Central Coast Water Board - On June 21 he attended the ceremonial groundbreaking for the San Clemente Dam Removal and Carmel River Reroute Project. Many other individuals came to show their support such as the Secretary for Natural Resources, John Laird, individuals from California American Water Company, U.S. Representative Sam Farr, who gave a speech, State Senator Bill Monning, and Public Utilities Commissioner, Catherine Sandoval. It was a good opportunity celebrate the project. The highlight of the trip was the three middle school students from the International School of Monterey who spoke very eloquently about trying to get our disparate agencies to have a common holistic mission about water. It was very moving.*
- *He was a Luncheon Speaker with Deputy U.S. EPA Administrator Alexis Strauss at the U.S. Conference of Mayors, Water Council on July 11th. It was a real honor to be there and speak about integrated water management but also to link with national dialogue and discussion that's driven a lot by combined sewer systems. They discussed issues of integrating stormwater, wastewater, flood control, and water supply.*
- *Joined three regional water board members on July 12 on a tour that was hosted by the Pajaro Valley Water Management Agency. It was a chance to visit their facilities as well as some groundwater recharge facilities. It was a good opportunity to learn about how the Pajaro Valley is gathered around a community water dialogue that seems to be very fruitful in terms of combining and integrating different interests. Sea water intrusion has been an issue and it was good to see community members coming together to take on that challenge.*

**Board Member D'Adamo**

➤ *On July 19th she attended the Santa Ana Water Board meeting where they adopted a nutrient management plan. The previous month they focused on livestock dairies. She found it remarkable that there was no opposition to the plans at either meeting. She believes the Santa Ana Water Board has an amazing ability to work collaboratively across all stakeholder groups and looks forward to gleaning how they've been able to do that so well through the years.*

**UNCONTESTED ITEMS\* (Item 3-4)**

- \*3. Consideration of a proposed Resolution adopting a Clean Water State Revolving Fund (CWSRF) Program Preliminary Funding Commitment for the [City of Stockton, Tuxedo Avenue Sewer Rehabilitation Project, CWSRF Project No. C-06-7085-110](#).

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

**Seconded by:** Member Moore

**MOTION CARRIED:** ([Resolution No. 2013-0019](#))

**Aye:** Chair Marcus  
Vice Chair Spivy-Weber  
Member Moore  
Member D'Adamo

**Nay:** None

**Absent:** Member Doduc

**Abstain:** None

- \*4. Consideration of a proposed Resolution approving the [2014 Clean Water Act 319\(h\) Nonpoint Source Program Preferences, authorizing staff to solicit and recommend projects, and authorizing the Executive Director or designee to award and execute finance agreements for the 2014 federal Clean Water Act 319\(h\) Nonpoint Source Grant Program](#).

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

**Seconded by:** Member Moore

**MOTION CARRIED:** ([Resolution No. 2013-0020](#))

**Aye:** Chair Marcus  
Vice Chair Spivy-Weber  
Member Moore  
Member D'Adamo

**Nay:** None

**Absent:** Member Doduc

**Abstain:** None

**INFORMATIONAL ITEMS**

- 5. Report from the [Statewide Advisory Committee on Cooling Water Intake Structures with recommendations regarding the implementation schedules contained in the Use of Coastal and Estuarine Waters for Power Plant Cooling Policy](#).

➤ *Mr. Robert Oglesby with the California Energy Commission made the [presentation](#) to the Board.*

**Commenters**

Sara Aminzadeh, California Coastkeeper Alliance

6. [Memorandum of Understanding between the Federal Energy Regulatory Commission and the California State Water Resources Control Board concerning coordination of pre-application activities for Non-Federal Hydropower Proposals.](#) (*Written comments were due on July 8, 2013 by 12:00 noon.*)

➤ *Erin Ragazzi with the Division of Water Rights and Tim Walsh with the Federal Energy Regulatory Commission made the [presentation](#) to the Board.*

**Commenters**

*Dave Steindorf, Hydropower Reform Coalition  
Ian Caliendo, Pacific Gas & Electric*

**OFFICE OF CHIEF COUNSEL**

7. Consideration of a proposed Order imposing a mandatory minimum penalty against [Lincoln Avenue Water Company](#) for violations of Los Angeles Regional Water Quality Control Board Order No. R4-2003-0120. (*Written comments are due on July 16, 2013 by 12 noon.*)

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Order as amended by changes read into the record by Counsel Tim Regan.

**Seconded by:** Member Moore

**MOTION CARRIED:** ([Water Quality Order No. 2013-0053](#))

**Aye:** Chair Marcus  
Vice Chair Spivy-Weber  
Member Moore  
Member D'Adamo

**Nay:** None

**Absent:** Member Doduc

**Abstain:** None

**Commenters**

*Yvonne West, SWRCB Prosecution Team  
Mayumi Okamoto, SWRCB Prosecution Team  
Melissa Thorme, Downey Brand  
Adam Link, California Association of Sanitation Agencies  
Cris Carrigan, SWRCB Prosecution Team*

8. Consideration of a proposed Order imposing a mandatory minimum penalty against [Lubricating Specialties Company](#) for violations of Los Angeles Regional Water Quality Control Board Orders No. 97-052 and R4-2006-0065. (*Written comments are due on July 16, 2013 by 12 noon.*)

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Order.

**Seconded by:** Member D'Adamo

**MOTION CARRIED:** ([Water Quality Order No. 2013-0054](#))

**Aye:** Chair Marcus  
Vice Chair Spivy-Weber  
Member Moore  
Member D'Adamo

**Nay:** None

**Absent:** Member Doduc

**Abstain:** None

**Commenters**

*Mayumi Okamoto, SWRCB Prosecution Team  
Melissa Thorme, Downey Brand  
Adam Link, California Association of Sanitation Agencies  
Cris Carrigan, SWRCB Prosecution Team*

9. Consideration of a proposed Order imposing a mandatory minimum penalty against [Rodeo Owner Corp.](#) for violations of Los Angeles Regional Water Quality Control Board Order No. R4-2003-0111. ([Written comments are due on July 16, 2013 by 12 noon.](#))

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Order.

**Seconded by:** Member Moore

**MOTION CARRIED:** ([Water Quality Order No. 2013-0055](#))

**Aye:** Chair Marcus  
Vice Chair Spivy-Weber  
Member Moore  
Member D'Adamo

**Nay:** None

**Absent:** Member Doduc

**Abstain:** None

**Commenters**

*Mayumi Okamoto, SWRCB Prosecution Team*

*Melissa Thorme, Downey Brand*

*Adam Link, California Association of Sanitation Agencies*

*Cris Carrigan, SWRCB Prosecution Team*

10. Consideration of a proposed Order imposing a mandatory minimum penalty against [Mantini Management, Inc.](#) for violations of Los Angeles Regional Water Quality Control Board Orders No. R4-2003-0111 and R4-2008-0032. ([Written comments are due on July 16, 2013 by 12 noon.](#))

**THIS ITEM WAS PULLED – DEFERRED TO FUTURE BOARD MEETING**

**BOARD WORKSHOP**

11. The State Water Board will hold a [Workshop to receive oral comments regarding a proposed order amending, in part, Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011 for Discharges from Irrigated Lands, Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, and Resolution No. R3-2012-0012, issued by the Central Coast Regional Water Quality Control Board.](#) (SWRCB/OCC Files A-2209(a)-(e)). ([Written comments were due on July 16, 2013 by 12 noon.](#))

**No Action Taken**

**Commenters**

*Frances McChesney, Central Coast Water Board*

*Michael Thomas, Central Coast Water Board*

*Angela Schroeter, Central Coast Water Board*

*Dale Huss, Ocean Mist Farms*

*Bill Thomas, Ocean Mist Farms*

*Kari Fisher, California Farm Bureau*

*Tess Dunham, Grower-Shippers Association & Western Growers*

*Kira Redmond, Santa Barbara Channelkeeper*

*Steve Shimek, Monterey Coastkeeper ([Presentation](#))*

*Colin Bailey, Environmental Justice Coalition for Water*

*Jeanette Pantoja, California Rural Legal Assistance, Inc.*

*Martha Saldivar, Springfield Terrace*

*Jennifer Clary, Clean Water Action ([Presentation](#))*

*Sandra Schubert, Department of Food & Agriculture*

*Asif Maan, Department of Food & Agriculture ([Presentation](#))*

*Doug Parker, UC-ANR*

*Perry Klassen, East San Joaquin Water Quality Coalition*

**Commenters (cont'd)**

*Norm Groot, Monterey County Farm Bureau  
Dave Lawson, Crop Production Services  
Kirk Schmidt, Central Coast Water Quality Preservation  
Sara Aminzadeh, California Coastkeeper Alliance  
Abby Taylor-Silva, Grower-Shipper Association  
Dilair Nafosoi, General Public  
Maria Velasquez, La Voz de San Lucas  
Horacio Amezcuita, San Jerardo Cooperative, Inc.  
Kenia Acevedo, California Rural Legal Assistance  
Phoebe Seaton, Leadership Counsel*

**OFFICE OF CHIEF COUNSEL**

- 12. Consideration of a proposed Order for State Water Board [review on its own motion of Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011 for Discharges from Irrigated Lands, Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, and Resolution No. R3-2012-0012, issued by the Central Coast Regional Water Quality Control Board. \(SWRCB/OCC Files A-2209\(a\)-\(e\)\). \(Written comments were due on July 16, 2013 by 12 noon.\)](#)

**Motion:** Member D’Adamo moved to adopt the proposed Order as amended with language added.

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([Water Quality Order No. 2013-0056](#))

**Aye:** Chair Marcus  
Vice Chair Spivy-Weber  
Member Moore  
Member D’Adamo

**Nay:** None

**Absent:** Member Doduc

**Abstain:** None

**Commenters**

*Steve Shimek, The Otter Project/Monterey Coastkeeper*

**INFORMATIONAL ITEM**

- 13. [Executive Director’s Report.](#)

**ADJOURNMENT**

The Board adjourned at 9:20 p.m. (after Closed Session).

## **CLOSED SESSION**

Closed Session is not open to the Public

### **OFFICE OF CHIEF COUNSEL**

(The following closed sessions are authorized under Government Code section 11126, subdivision (c)(3).)

- The Board will meet in closed session to deliberate on a decision to be reached in a proceeding resolving petitions SWRCB/OCC Files A-2209(a)-(e). The petitions seek review of Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011 for Discharges from Irrigated Lands, Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, and Resolution No. R3-2012-0012, issued by the Central Coast Regional Water Quality Control Board.

**The Board met in Closed Session on the above Item.**

- The Board will meet in closed session to deliberate on a decision to be reached in a proceeding pertaining to the proposed adoption of an administrative civil liability (ACL) order against Mantini Management, Inc. following a hearing concerning ACL complaint No. OE-2010-0035.
- The Board will meet in closed session to deliberate on a decision to be reached in a proceeding pertaining to the proposed adoption of an ACL order against Lincoln Avenue Water Company following a hearing concerning ACL complaint No. OE-2010-0016.
- The Board will meet in closed session to deliberate on a decision to be reached in a proceeding pertaining to the proposed adoption of an ACL order against Rodeo Owner Corp. following a hearing concerning ACL complaint No. OE-2011-0038.
- The Board will meet in closed session to deliberate on a decision to be reached in a proceeding pertaining to the proposed adoption of an ACL order against Lubricating Specialties Company following a hearing concerning ACL complaint No. OE-2010-0006.

**The Board did not meet in Closed Session on the above four Items.**

### **IMPORTANT INFORMATION!!**

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on July 16, 2013, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on July 16, 2013 and will not be accepted after that time.

Submittals are to be sent via e-mail to the Clerk to the Board at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line, "**7/23/13 BOARD MEETING (fill in bolded subject from appropriate item).**" If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

Agenda and items will be available electronically at: [http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml](http://www.waterboards.ca.gov/board_info/calendar/index.shtml)

\* Items on the uncontested items calendar may be removed at the request of any Board member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: <http://www.calepa.ca.gov/Broadcast/>.

For a map to our building, visit: <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process. Individuals who require special accommodations are requested to contact the Office of Employee Assistance, at (916) 341-5881.